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PATENT
Docket No.: 021331-000710US

TOWNSEND and TOWNSEND and CREW LLP

By: Andrea S. Beck

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Raymond Wellman, et al.

Application No.: 10/765,707

Filed: January 26, 2004

For: SLIP COLLAR

Confirmation No.: 9283

Examiner: Christopher P. Bruenjes

Art Unit: 1772

DECLARATION OF Jeff Shea
PURSUANT TO 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

JS
I, Jeff Shea, reside at 55 Western Drive, Richmond, CA 94801
~~708 Vermont St., San Francisco, CA~~ and declare as

follows:

1. I am a co-inventor on the present patent application.
2. I am the President of ATS Products, Inc ("ATS"). As President of ATS, I am responsible for all ATS products including the H-Collar™ line of joint products that embody and are built according claimed embodiments of the present patent application (e.g., FIG. 4).
3. The H-Collar™ line of joint products provide contiguous internal corrosion resistant liners and an alignment tool for joining corrosion and fire resistant

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duct and pipe in critical applications while also reducing installation time. Installation of duct or pipe work using the H-Collar™ joint products only requires application of an adhesive and inserting the duct into the collar. There is no need for additional external wrapping of the joint.

4. Since 2003, ATS has sold more than 16,850 H-Collar™ s. Sales have grown from about 367 units in 2003, to about 946 units in 2004, to about 5,921 units in 2005 and about 5,197 units in 2006. Approximately 4435 H-Collar™s have been sold in 2007 as of the date of this declaration. I believe that these sales are unexpectedly good in the duct industry.

5. I have reviewed the pending claims and believe that the claims cover the H-Collar™ joint products. I believe that many of the features recited in the claims are responsible for the commercial success of the product. For example, customer contractors have indicated that the ease and speed of installation and reliability of the resulting ductwork using the H-Collar™ joint products have allowed them to increase their productivity and profitability and that they are willing to pay a premium for such advantages.

6. The H-Collar™ joint products are intended to provide a contiguous internal liner as well as a built-in alignment tool with no need for complicated processes or multi-part components to join two sections of duct. Prior to the introduction of H-Collar™ joint products, ATS offered its Internal Beaded Slip Collar™ joint products. Internal Beaded Slip Collar™ joint products are similar to structure 60 in FIG. 2 of the Williams et al. patent assigned to ATS. (See Williams et al., United States patent number 5,961,154). Like the duct assembly in Williams et al., duct assemblies made with Internal Beaded Slip Collar™ joint products require multiple steps and separate external parts to ensure reliably sealed and structurally sound joints. As a result, installations of ducts using Internal Beaded Slip Collar™ joint products take considerably more time and are less reliable than installations of ducts using H-Collar Slip Collar™ joint products.

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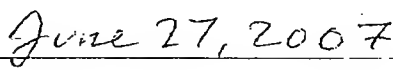
7. I also do not believe that the commercial success of the H-Collar™ joint products is due to extensive marketing efforts on behalf of ATS, but was rather due to the claimed inventive features of the H-Collar™ joint products.

7. I also believe that the H-Collar™ joint products helped to satisfy a long felt need. Previously, contractors had to spend much time fitting and joining ductwork with complicated multi-part and multi-step joint products which required careful and onerous alignment, fastening and sealing. Such extended installation procedures limited the amount of ductwork that installers could install on a given day, thus limiting their total annual job capacity. H-Collar™ joint products address this long felt need by allowing installers to more easily and quickly align, fasten and seal sections of ductwork in minutes.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.



Jeff Shea



Date

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TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
PRJ:mrk

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